

agreements with private sector critical infrastructure entities that apply to critical infrastructure information.

(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall change existing ownership or protection of, or policies and processes for access to, agency data.

(e) **NATIONAL SECURITY SYSTEMS.**—Nothing in this section shall apply to national security systems, as defined in section 3552 of title 44, United States Code, or to cybersecurity threat intelligence related to such systems, without the consent of the relevant element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(f) **PROTECTION OF INTELLIGENCE SOURCES AND METHODS.**—The Director of National Intelligence shall ensure that any information sharing conducted under this section shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 102A(i) of the National Security Act (50 U.S.C. 3024(i)).

(g) **DURATION.**—The program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE LIII—ENABLING THE NATIONAL CYBER DIRECTOR

SEC. 5401. ESTABLISHMENT OF HIRING AUTHORITIES FOR THE OFFICE OF THE NATIONAL CYBER DIRECTOR.

(a) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the National Cyber Director.

(2) **EXCEPTED SERVICE.**—The term “excepted service” has the meaning given such term in section 2103 of title 5, United States Code.

(3) **OFFICE.**—The term “Office” means the Office of the National Cyber Director.

(4) **QUALIFIED POSITION.**—The term “qualified position” means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(b) **HIRING PLAN.**—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic

pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

SA 4727. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. DISCLOSURES REQUIRED BY UNITED STATES FINANCIAL INSTITUTIONS INVESTING IN PEOPLE'S REPUBLIC OF CHINA.

(a) **IN GENERAL.**—The Secretary of Defense shall—

(1) require any United States financial institution that makes an investment described subsection (b) to disclose the amount and purpose, and potential impacts on the national defense, of such investments to the Secretary on an annual basis; and

(2) make such disclosures available to the public.

(b) **INVESTMENTS DESCRIBED.**—An investment described in this subsection is a monetary investment, in an amount that exceeds a threshold to be determined by the Secretary, directly or indirectly—

(1) to—

(A) the People's Republic of China;

(B) an entity owned or controlled by the Chinese Communist Party; or

(C) the People's Liberation Army; or

(2) for the benefit of any key industrial sector sponsored by the Chinese Communist Party.

(c) **CONSOLIDATED REPORT.**—Not less frequently than annually, the Secretary shall compile the disclosures submitted under subsection (a) and submit that compilation and a summary of those disclosures to the congressional defense committees.

(d) **REGULATIONS.**—The Secretary shall prescribe such regulations as are necessary to carry out this section, which may include—

(1) requirements for documents and information to be submitted with disclosures required under subsection (a); and

(2) procedures for the determining the amount under subsection (b).

(e) **DEFINITIONS.**—In this section:

(1) **FINANCIAL INSTITUTION.**—The term “financial institution”—

(A) has the meaning given that term in section 5312 of title 31, United States Code; and

(B) includes a private equity company, venture capital company, or hedge fund.

(2) **UNITED STATES FINANCIAL INSTITUTION.**—The term “United States financial institution” means a financial institution organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an institution.

SA 4728. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for mili-

tary activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. COUNTERING EXTREMISM IN THE ARMED FORCES.

(a) **COUNTERING EXTREMISM.**—

(1) **IN GENERAL.**—Title 10, United States Code, is amended—

(A) in Part II of subtitle A, by adding at the end the following new chapter:

“CHAPTER 89—COUNTERING EXTREMISM

“1801. Senior Official for Countering Extremism.

“1802. Training and education.

“1803. Data collection and analysis.

“1804. Reporting requirements.

“1805. Definitions.

“§ 1801. Senior Official for Countering Extremism

“(a) **DESIGNATION.**—The Secretary of Defense shall designate an Under Secretary of Defense as the Senior Official for Countering Extremism.

“(b) **DUTIES.**—The Senior Official shall—

“(1) coordinate and facilitate programs, resources, and activities within the Department of Defense to counter extremist activities, to include screening of publicly available information and Insider Threat Programs;

“(2) coordinate with Federal, State, and local enforcement organizations to counter extremism within the Department of Defense;

“(3) coordinate with the Secretary of Veterans Affairs on addressing and preventing extremist activities following an individual's separation from the armed forces;

“(4) engage and interact with, and solicit recommendations from, outside experts on extremist activities; and

“(5) perform any additional duties prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

“§ 1802. Training and education

“(a) **IN GENERAL.**—The Secretary of each military department, in coordination with the Senior Official for Countering Extremism, shall develop and implement training and education programs and related materials to assist members of the armed forces and civilian employees of the Department of Defense in identifying, preventing, responding to, reporting, and mitigating the risk of extremist activities.

“(b) **CONTENT.**—The training and education described in subsection (a) shall include specific material for activities determined by the Senior Official for Countering Extremism as high risk for extremist activities, including recruitment activities and separating members of the armed forces.

“(c) **REQUIREMENTS.**—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide the training and education described in subsection (a)—

“(1) to a member of the armed forces, civilian employee of the Department of Defense, cadet at a military service academy, or an individual in a pre-commissioning program no less than once a year;

“(2) to a member of the armed forces whose discharge (regardless of character of discharge) or release from active duty is anticipated as of a specific date within the time period specified under section 1142(a)(3) of this title;

“(3) to a member of the armed forces performing recruitment activities within the 30 days prior to commencing such activities; and

“(4) additionally as determined by the Secretary of Defense.

“§ 1803. Data collection and analysis

“(a) IN GENERAL.—The Senior Official for Countering Extremism shall establish and maintain a database on extremist activities in the Department of Defense.

“(b) CONTENT.—The database established under subsection (a) shall—

“(1) include records on each allegation, investigation, disciplinary action, and separation related to extremist activities within the Department of Defense;

“(2) include, as appropriate, information related to extremist activities in the armed forces provided by or generated from information from a Federal law enforcement agency; and

“(3) any other requirements prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

“§ 1804. Reporting requirements

“(a) ANNUAL REPORT.—Not later than December 1 of each year, the Senior Official for Countering Extremism shall submit to Congress a report on the prevalence of extremist activities within the Department of Defense.

“(b) ELEMENTS.—The report required by subsection (a) shall include each of the following elements:

“(1) The number of extremist activity allegations, investigations, disciplinary actions, and separations disaggregated data by the armed force, race, gender, ethnicity, grade, and rank of the principal.

“(2) An analysis and assessment of trends in the incidence and disposition of extremist activities during the year covered by the report.

“(3) Any other matters as determined by the Senior Official for Countering Extremism.

“(c) PUBLICATION.—The Secretary of Defense shall—

“(1) publish on an appropriate publicly available website of the Department of Defense the reports required by subsection (a); and

“(2) ensure that any data included with each such report is made available in a machine-readable format that is downloadable, searchable, and sortable.

“§ 1805. Definitions

“The following definitions apply in this chapter:

“(1) The term ‘extremist activities’ shall—

“(A) have the meaning prescribed by the Secretary of Defense; and

“(B) include membership in an extremist organization.

“(2) The term ‘extremist insider threat’ means a member of the armed forces or civilian employee of the Department of Defense with access to government information, systems, or facilities, who—

“(A) can use such access to do harm to the security of the United States; and

“(B) engages in extremist activities.

“(3) The term ‘extremist organization’ shall have the meaning prescribed by the Secretary of Defense.

“(4) The term ‘principal’ means a member of the armed forces or civilian employee of the Department of Defense who engages in an extremist activity, or aids, abets, counsels, commands, or procures its commission.”; and

(B) in chapter 39, by inserting after section 985 the following new section:

“§ 986. Prohibition on extremist activities

“(a) PROHIBITION.—An individual who engages in extremist activities may not serve as a member of the armed forces.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations regarding the separation of a member of the armed forces who engages in extremist activities.

“(c) DISSEMINATION OF EXTREMIST CONTENT.—The Secretary of Defense may use extremist content knowingly shared, disseminated, or otherwise made available online (including on social media platforms and accounts) by an individual who serves in an armed force as cause for involuntary separation of such individual from an armed force.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘extremist activities’ has the meaning given such term in section 1805 of this title.

“(2) The term ‘extremist content’ means content that expresses support for extremist activities (as that term is defined in section 1805 of this title).”.

(2) CLERICAL AMENDMENTS.—

(A) PART II OF SUBTITLE A.—The table of chapters for part II of subtitle A of title 10, United States Code, is amended by inserting after the item relating to chapter 88 the following new item:

“CHAPTER 89—COUNTERING EXTREMISM”.

(B) CHAPTER 39.—The table of sections at the beginning of chapter 39 is amended by inserting after the item relating to section 985 the following new item:

“986. Prohibition on extremist activities.”.

(b) COORDINATION OF EFFORTS WITH INSPECTOR GENERAL.—Section 554(a)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by adding at the end the following new subparagraph:

“(E) The Senior Official for Countering Extremism.”.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations under chapter 89 of title 10, United States Code (including definitions under section 1805 of such title), as added by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that the Secretary of Defense prescribes regulations under subsection (c).

(e) PROGRESS REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of chapter 89 of title 10, United States Code, as added by subsection (a)(1)(A), and the implementation of section 986 of such title, as added by subsection (a)(1)(B).

SA 4729. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. ELIGIBILITY FOR FOREIGN MILITARY SALES AND EXPORT STATUS UNDER ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and

63(a)(2), by inserting “India,” before “or New Zealand” each place it appears;

(2) in section 3(b)(2), by inserting “the Government of India,” before “or the Government of New Zealand”; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting “India,” before “or Israel” each place it appears.

SA 4730. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

SEC. 5001. SHORT TITLE.

This division may be cited as the “Department of State Authorization Act of 2021”.

SEC. 5002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “‘appropriate congressional committees’” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term “‘Department’” means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term “‘Secretary’” means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department